

REMARKS/ARGUMENTS

This letter is responsive to the Office Action dated December 29, 2004.

In this response the applicant has deleted 8 claims in total including 1 independent claim, and has added 9 claims in total including 2 independent claims. Thus, the application now contains 1 extra claim in total and 1 extra independent claim, relative to the claims previously on file. Therefore, the claim fees that are applicable are $1 \times \$100 + 1 \times \$25 = \$125$, payment for which is included with this response.

The applicant's agent would like to thank the Examiner for the courtesy of discussing the applicant's proposed claim amendments, in a phone call on March 16, 2005. In that phone call, the applicant's agent proposed adding to claim 1 that the flow assistor included a generally funnel-shaped surface that has irregularities thereon for inhibiting paintball jams when the flow assistor is rotated. Additionally, the applicant's agent proposed adding new independent claim 40 which included a flow assistor with a large diameter end and a small diameter end and which has irregularities for inhibiting paintball jams when the flow assistor is rotated. Additionally, the applicant's agent proposed adding new claim 45 which is a combination of claims 21 and 31 which the Examiner already indicated were allowed. In the phone call, the Examiner indicated that all of the above would be allowable, presumably subject to further consideration once the applicant filed this Request for Continued Examination.

In the Office Action, claims 7 and 8 were rejected under 35 U.S.C. 112, second paragraph as being indefinite with respect to the use of the term "connector". The Examiner stated that it is not clear if the connector in claim 7 is the same as the "quick replacement connector" in claim 1. In claim 1 as currently amended, the applicant has removed reference to the "quick replacement connector". Accordingly, the applicant submits that this rejection is no longer applicable.

In the Office Action, the Examiner has rejected claims 1, 2, 6, and 7 under 35 U.S.C. 102(b) as being anticipated by Deak. Claim 1 as currently amended, claims a loader apparatus with a cartridge, wherein the cartridge has a flow assistor with a generally funnel-shaped surface. The surface includes irregularities for inhibiting jams in a flow of paintballs during rotation of the flow assistor.

By contrast Deak discloses a feed mechanism that uses a pair of counter-rotating wheels each having a soft, deformable surface. The applicant submits that the structure of the flow assistor as claimed in claim 1 is clearly not anticipated by the structure disclosed by Deak, and is patentable over Deak.

Furthermore, in the Office Action, the Examiner indicated that claim 5 would be allowable if rewritten in independent form. Given that the Examiner's position was that claim 1 was anticipated and that claim 5 would be allowable, the applicant submits that the subject matter in claim 5 itself is allowable. Claim 5 as previously on file was directed to the flow assistor having a generally funnel-shaped surface. As explained above the generally funnel-shaped surface has been incorporated into claim 1. Claim 5 has been deleted without prejudice.

In light of the above, the applicant submits that claim 1 as currently amended is patentable over Deak. Claims 2 and 7 depend from claim 1, either directly or indirectly. The applicant submits that these claims are patentable over Deak at least as a result of their dependence on claim 1. Claim 6 has been deleted without prejudice.

Additionally, the applicant has added new independent claim 40, which claims a loader apparatus having a cartridge, wherein the cartridge includes a flow assistor having a paintball contact surface. The surface has a large diameter end and a small diameter end which is downstream from the large diameter end. The surface generally tapers from the large diameter end to the small diameter end. The surface includes irregularities for inhibiting jams in a flow of paintballs during rotation of the flow assistor. The applicant submits that the feed mechanism disclosed by Deak does not include a

large diameter end and a small diameter end downstream from the large diameter end. The applicant submits that the loader apparatus as claimed in claim 40 is therefore not anticipated by Deak, and is patentable over Deak.

In the Office Action, claims 13 and 14 were rejected under 35 U.S.C. 102(e) as being anticipated by Perrone. The applicant has deleted claims 13 - 18 without prejudice. Accordingly, the applicant submits that this rejection is no longer applicable.

In this response, the applicant has added new independent claim 45 which includes the limitations of claims 21 and 31, which the Examiner has indicated are allowed. Accordingly, the applicant submits that claim 45 is allowable.

The applicant respectfully submits that, in the possible event that the Examiner finds the claims filed with this response rejectable under the judicially created doctrine of obviousness-type double patenting over the issued claims of U.S. Patent No. 6,644,293, a terminal disclaimer was filed on October 8, 2004 with the applicant's response to the previous office action on the present application.

In view of the foregoing, it is respectfully submitted that the application is now in condition for allowance.

Respectfully submitted,

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